

that will otherwise expire in just a matter of days.

Republicans have been crystal clear about the sort of urgent and unobjectionable relief we are ready to deliver. I even offered to temporarily set aside one of our side's major requests, commonsense legal protections—by the way, 6,500 lawsuits have already been filed—to set aside commonsense legal protections to aid the reopening if Democrats drop their own controversial outstanding demands. But day after day, the Democratic leader finds new reasons not to compromise, new ways to avoid taking yes for an answer.

In what universe should emergency aid for small businesses be contingent—contingent—on massive bailouts for State governments with no linkage to actual needs? Democrats are acting like it is more important to supply the Governor of California with a special slush fund than to help restaurant workers in California keep their jobs. Oh, and, by the way, these demands for State and local government giveaways are blocking urgent aid for struggling families at a time when many States' tax revenues have largely gone up—up.

In November, California admitted their tax revenue for this fiscal year was running about 19 percent ahead of what they had predicted. The Governor said earlier this week that he foresees a tax windfall—windfall—not a horrible budget crunch, but a windfall of nearly \$16 billion.

State lawmakers are preparing to argue over where to put all this unexpected tax money. According to the L.A. Times, they are considering topping up the State's cash reserves. They aren't just getting by; they are putting more money away.

Here is another headline from a few days back—a State the occupant of the Chair is familiar with—"Massachusetts tax revenue[s] eclipsed total for last November despite COVID-driven recession." This is another State where revenues are actually up over last year.

Whatever future problems Democrats may think they see around the corner, it is preposterous to claim that these blue States that are bragging about their tax windfalls must receive another Federal handout right this instant, before working families can get a penny more.

Small businesses need saving right now. Unemployed people need relief extended right now. Vaccine distribution networks need funding right now. None of that should be held hostage over intergovernmental bailouts for States that are currently raking in revenue faster than they can spend it.

Yet the Speaker and the Democratic leader have persuaded their entire conference that nothing should pass unless the Governors of California and New York get to cut the line and jump in front of millions of Americans who are trying to figure out how to pay their bills each and every month.

Then there is Democrats' apparently strong opposition to enacting any kind

of legal protections to aid the reopening. Targeted, temporary liability reforms are a common feature of national emergencies or strange events, such as the Y2K mess and September 11. This is not some new concoction; it is what Congress has done in the past.

But this time, Democrats say the trial lawyers' interests must come first. They are threatening to kill any compromise whatsoever unless Congress leaves small businesses, universities, and healthcare workers as sitting ducks—sitting ducks—for frivolous lawsuits.

My colleagues across the aisle want to present this stance as some bold crusade against evil corporations? Well, for one thing, it is the big corporations who can afford the massive legal departments. Lawsuits are not exactly alien from the perspective of the Fortune 100.

No, it is small business advocates who have been pleading with Congress to pass legal protection since last May. It has been college presidents and higher education experts who have sounded this alarm the whole time. About 7 in 10 small business owners said a second pandemic of lawsuits was a major concern. University administrators told us liability is "a national problem requiring a national solution" that could produce "a chilling effect" on American education if not addressed. But Democrats are threatening to walk away altogether if Republicans try to give these institutions what they need.

So look, a legislator's true position lies in what they do, not what they say. What Republicans have done since July is make one attempt after another to generate a consensus package that can actually be signed into law.

What Senate Democrats have done is recite an endless—endless—chain of changing stories about why nothing that anyone proposes is any good. If my friends actually oppose PPP funding, vaccine distribution money, or extending some expiring unemployment aid, let's hear why. But if they do not oppose these things, let's get them out the door.

I have proposed setting aside both liability protections and State and local bailouts and making law where we can agree. Democrats have thus far declined, but at the same time, they are blocking an agreement on these issues. So unless something changes, they will get to explain to a restaurant owner that Democrats didn't let her get a second PPP loan to save her business because her Governor needed a special slush fund or explain to a laid-off worker that his relief program may expire completely because Democrats didn't feel it was urgent or explain to an older couple, who have hunkered down and survived this long year, that their vaccines will arrive later than necessary because Democrats wouldn't let us fund distribution.

If my Democratic friends don't want to explain these inexplicable things, then they need to let us act now.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 931.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Thomas L. Kirsch II, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

### CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Thomas L. Kirsch II, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Mitch McConnell, James E. Risch, Mike Crapo, Roy Blunt, Shelley Moore Capito, Tom Cotton, John Cornyn, Chuck Grassley, Thom Tillis, Richard Burr, Pat Roberts, Cory Gardner, Lindsey Graham, Todd Young, Marco Rubio, John Boozman, John Barrasso.

## LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 932.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Katherine A. Crytzer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the nomination of Katherine A. Crytzer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mitch McConnell, James E. Risch, Mike Crapo, Roy Blunt, Shelley Moore Capito, Tom Cotton, John Cornyn, Chuck Grassley, Thom Tillis, Richard Burr, Pat Roberts, Cory Gardner, Lindsey Graham, Todd Young, Marco Rubio, John Boozman, John Barrasso.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PAUL). Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, it is my understanding that the minority leader was going to be here, but we are getting very close to the time we actually cast our vote at 10:30—just 20 more minutes. In the event that the minority leader comes, I will dispense with my remarks and defer to him.

It is my honor to present the 60th annual National Defense Authorization Act. For 59 straight years—you can't say this about any other piece of legislation, all year or anytime, except the Defense authorization bill—we have passed this bill. We have passed this bill every year for 59 years, and this will be 60 years, and I anticipate that we will pass it now.

There isn't much that happens around the Capitol that has a track record like that. Maybe I am biased, and maybe in some people's minds I am wrong, but I think this is the most important bill of the year. I really believe that. I have believed that since 1987, and this is something that we have to do.

There is an old document nobody reads anymore called the Constitution. In there it tells us what we need to be doing, and that is exactly what we are going to be doing today: providing for our defense.

So it is simple what this bill does. It makes our country more secure. It supports our troops who defend it.

Right now this couldn't be more important. As President Trump's national defense strategy tells us, we are up against the most serious threats we have seen maybe forever. This is coming from China and Russia, these countries who stand against everything America stands for.

It bothers me that we went through the last 5 years of the Obama administration—that would have been from 2010 through 2015—where he criticized the military. We didn't have to have the military, he felt.

At this time, I would suspend with my remarks.

Mr. SCHUMER. You keep going for 2 minutes. I will let you know.

Mr. INHOFE. Let me know, and I will be glad to suspend.

Mr. SCHUMER. Thank you.

Mr. INHOFE. Anyway, during that time, during the Obama administration, during those 5 years, he reduced the funding for the military by 25 percent. Now, this has not happened, in my memory. It hasn't happened since World War II that we have gone through a 5-year period of doing that.

And the tragedy is that during that same time, China was increasing theirs by 83 percent. Stop and think about that—83 percent—when you realize that we were reducing our expenditures by 25 percent while they are increasing theirs by 83 percent. Now, that is serious enough, and that is something that is very much a concern to many of us.

So we know that they were increasing, we were decreasing, and, as a result, things happened. There are some things that they did—hypersonics, for example. That is one of the most recent exercises that is out there. They are actually, today, as we speak—they are ahead of us. Both China and Russia are ahead of the United States of America in hypersonics and that type of technology that is out there.

This President came along—and I know there is a lot of controversy about this bill. I know that the President wanted to have something in there that was having to do with language that had nothing to do with the military. I agree wholeheartedly with him, but you can't. You have got to have a defense authorization bill. Our kids in the field demand it.

With the NDAA, we are implementing the policies and programs to make sure that this doesn't happen, to ensure that America is able to prevent and, if necessary, win wars of today and tomorrow.

At this point, I would like to defer to the minority leader, and I do ask unanimous consent that at the conclusion of his remarks that I be recognized to make my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, first, I want to thank the Senator from Oklahoma for, as usual, his courtesy, which I very much appreciate.

#### CORONAVIRUS

Mr. SCHUMER. Mr. President, the CARES Act passed the Senate on

March 27, 2020. It was a rare moment in bipartisanship—a legislative triumph that saved our country from disaster in the very early days of the pandemic. As you know, I sat and negotiated a great deal of that with Secretary of State Mnuchin. And we all agreed it did a lot of good—a lot of good. But, unfortunately, for the past 259 days, as the virus continued to spread—when we did the CARES Act, we thought, well, maybe COVID will be over by the summer. Everyone thought that, but obviously it wasn't. And so the virus has continued to spread. Thousands of small businesses have closed their doors for good. Tens of millions of Americans lost their jobs and livelihoods. As American families waited in 21st century bread lines, cars snaking for miles down American highways; as tens of millions of Americans fell behind on the rent and the mortgage and face eviction; as 15 million Americans got sick; and as 292,001 Americans died, the Senate Republican majority, led by the majority leader, made sure the Senate could not do anything of significance to help the American people.

May, June, July, August—pause; we don't need to do anything, said the leader. Let's wait and see what happens. Democrats didn't say that. The leader did. Waited and waited and waited. Now it is December, and we still, because of the leader's intransigence, have nothing of significance to help the American people during the worst economic crisis in 75 years and the greatest public health crisis in a century.

Why? Why can't we get together? Why can't there be the bipartisanship that Americans search for and yearn for? At a time of such great crisis, there is one reason why America's two major parties have not gotten together during the time of acute national emergency, and that is because the Republican leader has demanded a partisan poison pill—a sweeping corporate liability shield—be included in any legislation. Otherwise, he won't let it pass.

It sounds like an exaggeration, but that is what the leader has said. "We're not negotiating over liability protection," the leader said, on July 28.

I'll be responsible for putting the final agreement on the floor. And as I said, it will have liability protection in it. We're not negotiating with the Democrats over that.

That is the fact. That is the history. There is not equality here.

Finally, yesterday, as the bipartisan group of Senators and House Members were closing in on a final agreement, what happened? Yesterday, the Republican leader's team told the other congressional leaders that the bipartisan group would be unable to satisfy Senate Republicans. Why? Because it might not grant the exact sweeping liability protections for corporations that Leader McConnell has demanded. It is an unconscionable position. No relief for the American people unless corporations receive blanket immunity from lawsuits.